IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA:

***CWP.No.235/2002*.**

Date of Decision :14.3.2007.

Kesar Singh …Petitioner.

Versus:

State of H.P. and others. …Respondents.

Coram:

The Hon'ble Mr.Justice Sanjay Karol,Judge.

Whether approved for reporting?[1]

For the petitioner: Mr.Ramakant Sharma, Advocate

For Respondent 1 to 3. Mr.C.B.Singh, Deputy Advocate General.

For Respondents 4,5&6. Mr.Rajiv Jiwan, Advocate.

Sanjay Karol,J (Oral).

The present writ petition has been filed under Articles 226/227 of the Constitution of India for assailing the impugned order dated 17th July, 2001 passed by the Director, Consolidation of Holdings, H.P. The petitioner is stated to have purchased land bearing Khasra No.1308 measuring 0-21-81 hects. in village Upperla Bhalwar, Tehsil Dehra, District Kangra. During the consolidation proceedings carried out by the State under the H.P. Holdings (Consolidation and Prevention of Fragmentation) Act, 1971,

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[1] **Whether reporters of Local Papers may be allowed to see the judgment?**

part of the aforesaid land is stated to have been allotted to private respondents No. 4 to 6. This action of the State was assailed by the petitioner by way of a revision petition filed under Section 54 of the H.P. Holdings (Consolidation and Prevention of Fragmentation) Act, 1971. The said revision petition numbered as case No.175/2000 was decided by the Director Consolidation of Holdings vide its order dated 17th July, 2001.

Shri Ramakant Sharma, learned counsel for the petitioner contends that perusal of the impugned order dated 17th July, 2001 would show that no reasons have been given by the authority in arriving at the decision whereby his petition has been dismissed. This fact is not disputed by the learned counsel for the private respondents. The parties, therefore, contend that the matter be remanded back to the Director Consolidation of Holdings without going into the merits.

In view of the same, the order dated 17th July, 2001 is set aside and case No.175/2000 is remanded back for hearing before the Director, Consolidation of Holdings, H.P. Needless to say, Court has not gone into the merits of the pleas raised by the learned counsel for the parties during the course of the hearing. It will be open for the parties to take such pleas and make such submissions as would be permissible to them before the Director, Consolidation of Holdings in accordance with law.

The Director, Consolidation of Holdings is directed to decide the matter afresh un-influenced by this order within a period of three months after hearing the parties. The writ petition is accordingly disposed of in the aforesaid terms.

(Sanjay Karol),
Judge.

March 14, 2007(R)